

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

LUTHER HEATHCOAT

Plaintiff.

v.

TENNESSEE DEPARTMENT OF
CORRECTION; CORRECTION
CORPORATION OF AMERICA;
GEORGE LITTLE; CHERRY
LINDAMOOD; LAWRENCE MAPLES;
JESSE JAMES,

Defendants.

Case No. 1:09-cv-00084

Judge Trauger/Brown

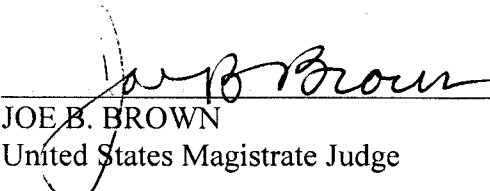
Jury Demand

REPORT AND RECOMMENDATION

Presently pending before the Magistrate Judge is the Motion to Dismiss filed by Defendants George Little and Tennessee Department of Correction ("TDOC"). (Docket Entry 37). The Magistrate Judge has also reviewed the accompanying memorandum (Docket Entry 38). Plaintiff has not responded to this motion. The Magistrate Judge previously issued a Report and Recommendation on the other Defendants' Motions to Dismiss, which was accepted by Judge Trauger. (Docket Entries 40, 47). The instant motion is based on the same factual allegations and makes essentially identical arguments to the previous motion. Therefore, for the reasons stated in the previous Report and Recommendation, the undersigned **RECOMMENDS** Defendants' Motion to Dismiss be **GRANTED** and all Plaintiff's claims against Defendants Little and TDOC be **DISMISSED**.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from receipt of this Report and Recommendation within which to file with the District Court any written objections to the proposed findings and recommendations made herein. Any party opposing shall have fourteen (14) days from receipt of any objections filed regarding this Report within which to file a response to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation may constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, *reh'g denied*, 474 U.S. 1111 (1986).

Entered this 20 day of May, 2010.



JOE B. BROWN
United States Magistrate Judge